



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,834	11/14/2003	Junichi Ogikubo	450100-04810	2578

7590 09/02/2009
FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

EXAMINER

TEKLE, DANIEL T

ART UNIT	PAPER NUMBER
----------	--------------

2621

MAIL DATE	DELIVERY MODE
-----------	---------------

09/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/713,834	OGIKUBO, JUNICHI	
	Examiner	Art Unit	
	DANIEL TEKLE	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/13/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,9,11 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 9, 11 and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 13, 2009 has been entered.

Response to Argument

Applicant's arguments with respect to claim 1, 5, 9, 11 and 26-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

Claim 1, 28 and 29 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The new added limitation to the claim 1, 28 and 29, the words “...entire reproduction time....” Combined together not found a support in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 5, 9, 11 and 26-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (US 7,149,408) and further in view of Nakata et al. (US 2003/0091329).

Regarding Claim 1: Kobayashi and Nakata et al. discloses an apparatus for controlling image display comprising: a determining unit configured to determine whether or not material data is combined with frame rate information as associated information **(column 2 lines 4-16 of Kobayashi)**; and a controller configured to control image display to display (a) a frame image representation region displaying said material data along a time axis in a reproduction order, a width of the time axis of the frame image representation region representing an entire reproduction time of the material data (paragraph 0183-0184 of Nakata et al.), and (b) reproduction speed indicating region displaying a speed range available for reproduction and a currently displayed reproduction speed within the speed range (column 8 lines 26-43 of Kobayashi and paragraph 0183-0184 of Nakata et al.), wherein when material information is combined with the frame rate information, the width of the time axis of the frame image representation region is altered according to a reproduction time calculated based on a reproduction speed (column 8 lines 26-43 of Kobayashi and paragraph 0183-0184 of Nakata et al.) and wherein when the speed range is altered in the reproduction

Art Unit: 2621

speed indicating region, the width of the time axis of the frame image representation region is altered to correspond thereto (paragraph 0183-0184 of Nakata et al.).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine Nakata et al. invention into Kobayashi invention in order to have an easy control to edit audio/video data.

Regarding Claim 5: Kobayashi disclose an apparatus according to claim 1, wherein controller sets a speed range available for reproduction on said material data based on said associated information, and controller controls the image display to display set speed range (**column 4 lines 17-26**).

Regarding Claim 9: Kobayashi disclose an apparatus according to claim 5, wherein controller controls image display to display an indication for indicating the reproduction speed (**column 8 lines 26-43**).

Regarding Claim 11: Kobayashi disclose an apparatus according to claim 5, wherein controller controls the image display to display set speed range with an indication for indicating the reproduction speed (**column 8 lines 26-43**); wherein indication varies in Synchronization with alteration according to an operation for altering indicated width of material data in frame image representation region (**column 8 lines 43-47**); and wherein indicated width of frame image representation region varies in synchronization with alteration according to an operation for adjusting the indication(**column 8 lines 43-52**).

Regarding Claim 26: Kobayashi disclose an apparatus according to claim 1, wherein said indicated width of the frame image representation region becomes longer when the

Art Unit: 2621

reproduction speed of said data materials is altered to be slower, while said indicated width of the frame image representation region becomes shorter when the reproduction speed of said data materials is altered to be faster **(column 8 lines 26-42)**.

Regarding Claim 27: Kobayashi disclose an apparatus according to claim 1, wherein the reproduction speed of data materials becomes slower when indicated width of the frame image representation region is altered to be enlarged, while the reproduction speed of data materials becomes faster when indicated width of the frame image representation region is altered to be shortened **(column 8 lines 26-42)**.

Regarding Claims 28-29: Claims 28-29 are rejected for the same subject matter as claim 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/
Examiner, Art Unit 2621